

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

AMIR KEYHAN and  
RESHAD KEYHAN  
Plaintiffs

VS.

ERIC CALDWELL,  
BURNS & MCDONNELL, INC.  
AVIS BUDGET CAR RENTAL, LLC  
and PV HOLDING CORP.  
Defendants

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CIVIL ACTION NO. \_\_\_\_\_

JURY TRIAL DEMANDED

**DEFENDANTS', AVIS BUDGET CAR RENTAL, LLC,  
PV HOLDING CORP., AND BURNS & MCDONNELL, INC.,  
NOTICE OF REMOVAL**

Defendants, Avis Budget Car Rental, LLC, PV Holding Corp., and Burns & McDonnell, Inc., file this Notice of Removal under 28 U.S.C. §1446(a).

**Introduction**

1. Plaintiffs are Amir Keyhan and Reshad Keyhan.
2. Defendants are Eric Caldwell, Avis Budget Car Rental, LLC, PV Holding Corp., and Burns & McDonnell, Inc.
3. On November 3, 2020, Plaintiffs filed suit against Defendants in the 281<sup>ST</sup> Judicial District Court of Harris County, Texas.
4. Defendant Eric Caldwell has not made an appearance in the state court action.
5. Defendants, Avis Budget Car Rental, LLC, PV Holding Corp., and Burns & McDonnell, Inc. were served on November 6, 2020 and timely filed Defendants Original Answer on November 30, 2020 and requested a jury trial.

6. Plaintiff asserts negligence and negligence per se causes of action against Eric Caldwell.
7. Plaintiff asserts a negligent entrustment cause of action against Avis Budget Car Rental, LLC, and PV Holding Corp.
8. Plaintiff asserts negligence, gross negligence, negligent entrustment and negligence per se causes of action against Burns & McDonnell, Inc.
9. Defendants, Avis Budget Car Rental, LLC, PV Holding Corp., and Burns & McDonnell, Inc., timely file this notice of removal within 30 days of actual receipt of Plaintiff's Original Petition.
10. In accordance with the Federal Rules of Civil Procedure and Local Rules for the Southern District of Texas, the following documents are being filed contemporaneously with this notice of removal:<sup>1</sup>

- (a) Citation and Affidavit of Service for Defendant Avis Budget Car Rental, LLC;
- (b) Citation and Affidavit of Service for Defendant PV Holding Corp.;
- (c) Citation and Affidavit of Service for Defendant Burns & McDonnell, Inc.;
- (d) Copies of all state court pleadings;
- (e) Copies of all state court orders (none);
- (f) State Court Civil Case Information Sheet;
- (g) State Court docket sheet; and
- (h) List of all counsel, with addresses and telephone numbers.

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<sup>1</sup> The documents comprising (a)-(g) are attached as Exhibit "B."

### **Basis of Removal**

11. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a). Plaintiffs are citizens and residents of Harris County, Texas. Defendant Eric Caldwell is a citizen and resident of Missouri. Defendant Avis Budget Car Rental, LLC, is a Delaware company with headquarters and principal place of business located in Parsippany, New Jersey. Defendant PV Holding Corp. is a Delaware company with headquarters and principal place of business located in Parsippany, New Jersey. Defendant Burns and McDonnell, Inc. is a foreign corporation with headquarters and principal place of business located in Kansas City, Missouri.

12. Plaintiff's Original Petition, filed on November 3, 2020, indicates Plaintiff is seeking monetary relief over \$200,000.00, but not more than \$1,000,000.00 in damages.

13. Copies of all pleadings, process, orders and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a).

14. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

15. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit is pending.

### **Conclusion**

16. Complete diversity exists between Plaintiffs and Defendants. The amount in controversy exceeds \$75,000.00. For these reasons, Defendants, Avis Budget Car Rental, LLC, PV Holding Corp., and Burns & McDonnell, Inc. ask the Court to remove the suit to the United States District Court for the Southern District of Texas – Houston Division.

Respectfully submitted,

Donato, Brown, Pool & Moehlmann

By: /s/ Aaron Pool

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By: /s/ Frank D. Lanter by permission ADH

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**ATTORNEY FOR DEFENDANT,  
BURNS & McDONNELL, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 4, 2020, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic system, electronic mail, and/or facsimile transmission.

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/s/ Aaron Pool  
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